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Attorneys for Defendants

DIGITAL NETWORKS NORTH AMERICA, INC. and

LEGACY SUPPORT SERVICES, LTD.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

JENS ERIK SORENSEN, as Trustee  
of SORENSEN RESEARCH AND  
DEVELOPMENT TRUST,

Plaintiff,

v.

DIGITAL NETWORKS NORTH  
AMERICA, INC., a Delaware  
corporation; LEGACY SUPPORT  
SERVICES, LTD. d/b/a S2G; and  
DOES 1-100,

Defendants.

No. 07 CV 5568 JSW

**DEFENDANT LEGACY SUPPORT  
SERVICES' NOTICE OF MOTION AND  
MOTION TO SET ASIDE ANY  
APPEARANCE OF DEFAULT AND TO  
GRANT LEGACY THE SAME  
ENLARGEMENT OF TIME TO ANSWER  
AS DNNA**

Date: June 13, 2008

Time: 9:00 a.m.

Ctrm: 2, 17th Floor

Judge: Hon. Jeffrey S. White

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 NOTICE IS HEREBY GIVEN that on June 13, 2008 at 9:00 a.m., or as soon thereafter  
3 as the matter may be heard by the above-entitled Court, defendant Legacy Support Services, Ltd.  
4 (“Legacy”) will and hereby does respectfully move for the Court to grant an Order setting aside  
5 any appearance of default by Legacy in the current litigation and giving Legacy the same  
6 enlargement of time to Answer as co-defendant Digital Networks North America, Inc.  
7 (“DNNA”) has.

8 Under the plain language of the Court’s December 18, 2007 Order Granting Defendant’s  
9 Motion Pursuant to Civil L.R. 6-3 To Enlarge Time To Respond To The Amended Complaint  
10 Pending Motion to Stay, Docket #33, Legacy is not in default. Further, should the Court find an  
11 appearance of default, Legacy submits it can show good cause as to why any entry of default or  
12 finding of default should be set aside. Legacy has not engaged in any culpable conduct leading  
13 to an appearance of default and Legacy has a meritorious defense to the underlying litigation  
14 claims. Further, Plaintiff Sorensen will not be hindered in his ability to pursue a claim in this  
15 litigation, and thus will not be prejudiced.

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For the reasons set forth in greater detail in the Supporting Memorandum of Points and Authorities and related pleadings submitted herewith, Legacy respectfully requests that the Court set aside any appearance of default by Legacy in the current litigation and give Legacy the same enlargement of time to Answer as co-defendant Digital Networks North America, Inc. (“DNNA”) has.

Dated: April 30, 2008.

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By                     /s/                      
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